



Arlington Zoning Board of Appeals

Date: Tuesday, December 10, 2024
Time: 7:30 PM
Location: Conducted by Remote Participation
Additional Details:

Agenda Items

Administrative Items

1. **Conducted by Remote Participation**

You are invited to a Zoom meeting on Dec, 10 24 07:30 PM Eastern Time (US and Canada)

Register in advance for this meeting: https://town-arlington-ma-us.zoom.us/join/tZ0ldOGhqT0qGdGNujEwJwRdxoa-8_VfH6H7. After registering, you will receive a confirmation email containing information about joining the meeting.

Per Board Rules and Regulations, public comments will be accepted during the public comment period during each public hearing. Written comments may be provided by email to ZBA@town.arlington.ma.us sent at least 48 hours prior to the start of the meeting.

Notice to the Public on meeting privacy In the interests of preventing abuse of videoconferencing technology, all participants, including members of the public, wishing to engage via the Zoom App must register for each meeting and will need to follow multi-step authentication protocols. Please allow additional time to join the meeting. Further, members of the public who wish to participate without providing their name may still do so by telephone using the dial-in information provided above.

2. **Member Vote: Approval Decision Docket 3825 15 West Street**
3. **Member Vote: Approval Decision Docket 3826 4 Intervale Rd**
4. **Member Vote: Approval Decision Docket 3827 247 Wachusett Ave**
5. **Discussion of possible Zoning Bylaw Revisions**

Hearings

6. **3822 20 Pond Lane (continued)**

<https://arlingtonma.portal.opengov.com/records/205792>

Meeting Adjourn



Town of Arlington, Massachusetts

Conducted by Remote Participation

Summary:

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Town of Arlington, Massachusetts

Member Vote: Approval Decision Docket 3825 15 West Street



Town of Arlington, Massachusetts

Member Vote: Approval Decision Docket 3826 4 Intervale Rd



Town of Arlington, Massachusetts

Member Vote: Approval Decision Docket 3827 247 Wachusett Ave



Town of Arlington, Massachusetts

Discussion of possible Zoning Bylaw Revisions



Town of Arlington, Massachusetts

3822 20 Pond Lane (continued)

Summary:

<https://arlingtonma.portal.opengov.com/records/205792>

ATTACHMENTS:

Type	File Name	Description
Reference Material	#3821_20_Pond_Lane_legal_ad.pdf	#3822 20 Pond Lane legal ad
Reference Material	3820_20_Pond_Lane_Application_SP-24-26.pdf	3822 20 Pond Lane Application SP-24-26
Reference Material	3821_20_Pond_Lane_Final_Memo_in_Support_of_Application_9-12-24.pdf	3822 20 Pond Lane Final Memo in Support of Application 9-12-24
Reference Material	3821_20_Pond_Lane_Final_Memo_Exhibit_A_9-12-24.pdf	3822 20 Pond Lane Final Memo Exhibit A 9-12-24
Reference Material	3821_20_Pond_Lane_Final_Memo_Exhibit_B_9-12-24.pdf	3822 20 Pond Lane Final Memo Exhibit B 9-12-24
Reference Material	3821_20_Pond_Lane_Final_Memo_Exhibit_C_9-12-24.pdf	3822 20 Pond Lane Final Memo Exhibit C 9-12-24
Reference Material	3821_20_Pond_Lane_Final_Memo_Exhibit_D_9-12-24.pdf	3822 20 Pond Lane Final Memo Exhibit D 9-12-24
Reference Material	3821_20_Pond_Lane_Final_Memo_Exhibit_E_9-12-24.pdf	3822 20 Pond Lane Final Memo Exhibit E 9-12-24
Reference Material	3821_20_Pond_Lane_Final_Memo_Exhibit_F_9-12-24.pdf	3822 20 Pond Lane Final Memo Exhibit F 9-12-24
Reference Material	3821_20_Pond_Lane_Final_Memo_Exhibit_G_9-12-24.pdf	3822 20 Pond Lane Final Memo Exhibit G 9-12-24
Reference Material	3821_20_Pond_Lane_Final_Memo_Exhibit_H_9-12-24.pdf	3822 20 Pond Lane Final Memo Exhibit H 9-12-24
Reference Material	3821_20_Pond_Lane_Final_Memo_Exhibit_H_9-12-24.pdf	3822 20 Pond Lane Final Memo Exhibit H 9-12-24
Reference Material	3822_20_Pond_Lane_Abutter_List.pdf	3822 20 Pond Lane Abutter List
Reference Material	3822_20_Pond_Lane_Abutters_map.pdf	3822 20 Pond Lane Abutters map

▢ Reference Material	Neighbor_letter_-20_Pond_Lane.pdf	Neighbor letter -20 Pond Lane -Creedon
▢ Reference Material	Neighbor_Photos_20_Pond_Lane_-_Creedon.pdf	Neighbor Photos 20 Pond Lane - Creedon
▢ Reference Material	Neighbor_letter_-20_Pond_Lane_-_Simader.pdf	Neighbor letter -20 Pond Lane - Simader



Town of Arlington
Zoning Board of Appeals
51 Grove Street
Arlington, Massachusetts 02476
781-316-3396
www.arlingtonma.gov

LEGAL NOTICE

Notice is herewith given in accordance with the provisions of Section 3.2.2 of the Zoning Bylaws that there has been filed, by **Pond Lane Realty LLC**, on September 12, 2024, a petition seeking to alter their property located at **20 Pond Land, Unit 2 - Block Plan 010.0-0004-0005.A**. Said petition would require a **Special Permit** under **8.1.1A** of the Zoning Bylaw for the Town of Arlington.

A hearing in regards to the petition will be conducted remotely via "Zoom" **Tuesday evening at 7:30 P.M on October 22, 2024, as soon thereafter as the petitioner may be heard. To join the meeting, please register using the following URL:** <https://www.arlingtonma.gov/town-governance/boards-and-committees/zoning-board-of-appeals/zba-calendar> and choose the date of the meeting you wish to attend.

For documentation relating to this petition, visit the ZBA website 48 hours prior to the hearing at <https://www.arlingtonma.gov/town-governance/boards-and-committees/zoning-board-of-appeals/agendas-minutes>

DOCKET NO 3821

Christian Klein, RA, Chair
Zoning Board of Appeals

Please direct any questions to: **ZBA@town.arlington.ma.us**



SP-24-26

Special Use Permit
Application (ZBA)

Status: Active
Submitted On: 9/12/2024





Primary Location

20 POND LN Unit 2
Arlington, MA 02474


Owner

POND LANE REALTY LLC
C/O NICHOLAS BOIT; 32
HARBOUR DR N OCEAN RIDGE,
FL 33435

Applicant

 Douglas Troyer
 617-466-8236
 dtroyer@pierceatwood.com
 100 Summer Street
22nd Floor
Boston, MA 02110

Special Permit Criteria

Indicate where the requested use is listed in the Table of Use Regulations as allowed by Special Permit in the district for which the application is made or is so designated elsewhere in the Zoning Bylaw. ***Please LIST BYLAW(S)**** 

Section 8.1.1(A) of the Zoning Bylaw.

Explain why the requested use is essential or desirable to the public convenience or welfare.*

Since its construction in 1963 the commercial use of the garage on the Property has been for the storage of commercial vehicles and equipment along with office use, auto body work and auto repair work. The Applicant's request to continue the use of the garage for the storage of commercial vehicles and equipment, office use, and light construction work is consistent with the historical use of the garage and is in fact less intrusive than when the garage was used as an auto body shop and auto repair shop. The use is consistent with other uses in the neighborhood as the abutting Town property is being used for the storage of recreational equipment for the Arlington/Belmont Crew organization who stores their vehicles, trailers, crew boats, and other equipment on the Town property.

As the Property is fully developed - there are no changes proposed to the garage structure, driveway, drainage, utilities or other infrastructure servicing the Property - and the requested use is consistent with what has historically been used at the Property, the requested commercial use of the garage will continue to fit seamlessly with the community and neighborhood.

Explain why the requested use will not create undue traffic congestion, or unduly impair pedestrian safety.*

The Applicant states that the proposed project will not involve any changes to the driveway or parking area on the Property. Additionally, there are no proposed changes to the traffic flow, access, parking and pedestrian circulation that has been in existence at the Property for over 61 years. The Applicant anticipates that in addition to 2 vehicles parking in the driveway for the residential use for the Property, that approximately 2 commercial vehicles for employees will use the driveway area for parking and that the remaining vehicles will be parked inside of the garage which has ample storage area.

Therefore, because there no changes proposed to the structure or facilities on the Property and due to the fact that the requested use is consistent with the historical uses of the garage, it is the Applicant's position that its requested use of the garage will not create any undue traffic congestion, or unduly impair pedestrian safety.

Explain why the requested use will not overload any public water, drainage or sewer system, or any other municipal system to such an extent that the requested use or any developed use in the immediate area or any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.*

As provided above, the garage was fully developed in 1963 and there are no changes being proposed to the drainage, utilities and other infrastructure servicing the Property as they are all more than adequate to accommodate the continue commercial use of the garage. Additionally, no hazardous materials will be stored on Property.

Describe how any special regulations for the use, as may be provided in the Zoning Bylaw, including but not limited to the provisions of Section 8 are fulfilled.*

As provided above, the garage structure and commercial use of the garage was permitted by the ZBA in 1963. The commercial use of the garage is proposed to be that of storage of commercial vehicles and equipment, office use, and proposed light construction work to be performed inside of the garage. Pursuant to Section 8.1.1(A) of the Bylaw, the ZBA may granted the requested use if it finds that the use shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. As provide above, it is the Applicant's position that the ZBA has the necessary facts to make such a finding under the Bylaw.

Explain why the requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.*

The Applicant directs the ZBA's attention to its statements provided for in Paragraph 1-4 above. Additionally, the Applicant states that the requested use is consistent with the historical commercial use made at the Property since 1963 and permission to continue such use will not impact the integrity or character of the R-2 district or adjoining districts nor be a detriment to the health or welfare of the community.

Explain why the requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.*

It is the Applicant's position that due to the fact that the requested use is consistent with the historical use of the garage and that the continuance of such commercial use of the garage for the storage of commercial vehicles and equipment, office use, and light construction work to be performed inside of the garage will not be detrimental to the character of the neighborhood.

Dimensional and Parking Information

Present Use/Occupancy *

Commerical Garage

Proposed Use/Occupancy *

Commercial Garage

Existing Number of Dwelling Units*

0

Proposed Number of Dwelling Units*

0

Existing Gross Floor Area (Sq. Ft.)*

3375

Proposed Gross Floor Area (Sq. Ft.)*

3375

Existing Lot Size (Sq. Ft.)*

9200

Proposed Lot Size (Sq. Ft.)* ?

9200

Minimum Lot Size required by Zoning*

6000

Existing Frontage (ft.)*

87.49

Proposed Frontage (ft.)*

87.49

Minimum Frontage required by Zoning*

60

Existing Floor Area Ratio*

0

Proposed Floor Area Ratio*

0

Max. Floor Area Ratio required by Zoning*

0

Existing Lot Coverage (%)*

0

Proposed Lot Coverage (%)*

0

Max. Lot Coverage required by Zoning*

0

Existing Lot Area per Dwelling Unit (Sq. Ft.)*

0

Proposed Lot Area per Dwelling Unit (Sq. Ft.)*

0

Minimum Lot Area per Dwelling Unit required by Zoning*

0

Existing Front Yard Depth (ft.)*

0

Proposed Front Yard Depth (ft.)*

0

Minimum Front Yard Depth required by Zoning*

0

Existing SECOND Front Yard Depth (ft.)* ?

0

Proposed SECOND Front Yard Depth (ft.)* ?

0

Minimum SECOND Front Yard Depth required by Zoning* ?
0

Existing Left Side Yard Depth (ft.)* ?
0

Proposed Left Side Yard Depth (ft.)* ?
0

Minimum Left Side Yard Depth required by Zoning* ?
0

Existing Right Side Yard Depth (ft.)* ?
0

Proposed Right Side Yard Depth (ft.)* ?
0

Minimum Right Side Yard Depth required by Zoning* ?
0

Existing Rear Yard Depth (ft.)*
0

Proposed Rear Yard Depth (ft.)*
0

Minimum Rear Yard Depth required by Zoning*
0

Existing Height (stories)
1

Proposed Height (stories)*
1

Maximum Height (stories) required by Zoning*
3

Existing Height (ft.)*
14

Proposed Height (ft.)*
14

Maximum Height (ft.) required by Zoning*
29

For additional information on the Open Space requirements, please refer to Section 2 of the Zoning Bylaw.

Existing Landscaped Open Space (Sq. Ft.)*

0

Proposed Landscaped Open Space (Sq. Ft.)*

0

Existing Landscaped Open Space (% of GFA)*

0

Proposed Landscaped Open Space (% of GFA)*

0

Minimum Landscaped Open Space (% of GFA)
required by Zoning*

0

Existing Usable Open Space (Sq. Ft.)*

0

Proposed Usable Open Space (Sq. Ft.)*

0

Existing Usable Open Space (% of GFA)*

0

Proposed Usable Open Space (% of GFA)*

0

Minimum Usable Open Space required by Zoning*

0

Existing Number of Parking Spaces*

0

Proposed Number of Parking Spaces*

0

Minimum Number of Parking Spaces required by
Zoning*

0

Existing Parking area setbacks

0

Proposed Parking area setbacks *

0

Minimum Parking Area Setbacks required by
Zoning*

0

Existing Number of Loading Spaces

0

Proposed Number of Loading Spaces*

0

Minimum Number of Loading Spaces required by Zoning*

0

Existing Slope of proposed roof(s) (in. per ft.)*

0

Proposed Slope of proposed roof(s) (in. per ft.)*

0

Minimum Slope of Proposed Roof(s) required by Zoning*

0

Existing type of construction*

0

Proposed type of construction*

0

Open Space Information

Existing Total Lot Area*

9200

Proposed Total Lot Area*

9200

Existing Open Space, Usable*

0

Proposed Open Space, Usable*

0

Existing Open Space, Landscaped*

0

Proposed Open Space, Landscaped*

0

Gross Floor Area Information

Accessory Building, Existing Gross Floor Area

0

Accessory Building, Proposed Gross Floor Area

0

Basement or Cellar, Existing Gross Floor Area ?

0

Basement or Cellar, Proposed Gross Floor Area

0

1st Floor, Existing Gross Floor Area

0

1st Floor, Proposed Gross Floor Area

0

2nd Floor, Existing Gross Floor Area

0

2nd Floor, Proposed Gross Floor Area

0

3rd Floor, Existing Gross Floor Area

0

3rd Floor, Proposed Gross Floor Area

0

4th Floor, Existing Gross Floor Area

0

4th Floor, Proposed Gross Floor Area

0

5th Floor, Existing Gross Floor Area

0

5th Floor, Proposed Gross Floor Area

0

Attic, Existing Gross Floor Area ?

0

Attic, Proposed Gross Floor Area

0

Parking Garages, Existing Gross Floor Area ?

0

Parking Garages, Proposed Gross Floor Area

0

All weather habitable porches and balconies,
Existing Gross Floor Area

0

All weather habitable porches and balconies,
Proposed Gross Floor Area

0

Total Existing Gross Floor Area

0



Total Proposed Gross Floor Area

0



APPLICANT DECLARATION (Arlington Residential Design Guidelines)

By entering my name below, I hereby attest that I have reviewed the following:

- Arlington Residential Design Guidelines

and under the pains and penalties of perjury that all of the information contained in this application is true and accurate to the best of my knowledge and understanding.

I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct, and that clicking this checkbox and typing my name in the field below will act as my signature.*



Applicant's Signature*



Nick Boit

Sep 4, 2024

MEMORANDUM IN SUPPORT OF SPECIAL USE PERMIT APPLICATION

To: Town of Arlington – Zoning Board of Appeals
From: Douglas A. Troyer, on behalf of Pond Lane Realty, LLC
Re: 20 Pond Lane, Arlington, MA - Special Use Permit Application
Parcel Id No. 10-4-5.A
Date: September 12, 2024

Dear Honorable Members of the Zoning Board of Appeals:

This Memorandum is submitted to the Town of Arlington Zoning Board of Appeals (hereinafter the “ZBA”) on behalf of our client, Pond Lane Realty, LLC (“Applicant”) in support of its Application for Special Use Permit pursuant to Sections 8.1.1(A) and 3.3 of the Town of Arlington Zoning Bylaws (the “Bylaw”) to continue the use of the existing commercial garage for commercial office use, storage of vehicles and equipment, and light construction work at the property located at 20 Pond Lane, Arlington, MA (“Property”).

I. FACTUAL BACKGROUND

The Property is located in the Town’s R-2 Zoning District and is classified as a residential/commercial property containing .211 acres (approximately 9,200 sq ft.) with a 4,418 sf ft two- family residence and a 3,375 sq. ft. commercial garage located on the Property. (See Property Card attached hereto as **Exhibit “A”**). This application pertains to the use of the existing commercial garage located on the Property only.

The Applicant purchased the Property from Edward C. Simonian, Trustee of the Philip Simonian Realty Trust on October 26, 2015. (See copy of Deed recorded with the Middlesex South Registry of Deeds in Book 66280, Page 526 attached hereto as **Exhibit “B”**). From 1963 to the present, the garage located on the Property has been used for commercial purposes. The Applicant intends to list the Property for sale and prior to filing this application the Applicant was instructed by the Inspectional Services Director that a special use permit from the ZBA is necessary. Thus, the Applicant submits this application to clarify that the use of the commercial

garage for office, storage of vehicles and equipment, and light construction work is a legal current use of the commercial garage, and if necessary, to request a special use permit for the continuance of the pre-existing non-conforming commercial use. No changes are being made to the Property or to the existing buildings located on the Property.

A copy of the existing conditions Plot Plan is attached hereto as **Exhibit "C"**.

HISTORY OF THE COMMERCIAL USE OF THE PROPERTY

1. In June of 1961 Philp and Margaret Simonian purchased the Property, which at that time only contained the residential structure.
2. Mr. Simonian was the owner of State Coal & Oil Co., and from the summer of 1961 to 1963 used the Property to store commercial vehicles and equipment for his business.
3. In or around May of 1963, Mr. Simonian sought a variance from the ZBA due to a decision of the then Inspector of Buildings concerning the Inspector's refusal to issue a building permit for the construction of a commercial garage at the Property as such use was in violation of Section 14 of the Zoning Bylaws in effect at that time. Mr. Simonian was seeking to construct the garage to house his commercial vehicles and equipment and operate his business from the garage.
4. Public hearings were held in May of 1963 and the ZBA issued a decision in ZBA Case #779 permitting the construction of the commercial garage for his business and to be used for storage of commercial vehicles and equipment of Mr. Simonian's fuel business on the Property. (See **Exhibit D**).
5. Subsequent to the ZBA's decision, Mr. Simonian constructed the commercial garage on the Property. The garage consists of a flat-roof cinder block structure that is 45' wide and 75' long (3,375 sq. ft.) and 14' in height. The garage contains a large storage space area, office for business operations, a mezzanine storage area and two bathrooms for employees. (Copies of photos taken in 2011 attached hereto as **Exhibit "E"** show the garage as originally constructed).
6. In July of 1965, Mr. Simonian filed a petition with the ZBA seeking permission to further rent the commercial garage located on the Property for business use. At that time, Mr. Simonian was using a small portion of the garage for his company's business office but was no longer using the remainder of the space in the garage. Mr. Simonian sought permission to rent the remaining space in the garage to a commercial business involved in industrial truck batteries and battery charging devices for the operation of their business and storage of their vehicles and equipment. The ZBA granted the petition permitting the requested use at the Property. (See ZBA Case #959 attached hereto as **Exhibit "F"**).
7. Subsequent to 1963, the ownership of the Property was conveyed amongst Mr. Simonian's family. In 1978 Mr. and Mrs. Simonian conveyed ownership of the Property to the

Philip Simonian Realty Trust. In 1990 and again in 2004 the Property was conveyed to the Successor Trustees of the Philip Simonian Realty Trust.

8. From 1963 to 2015, the Simonian Family continued to rent out the garage for commercial uses and an auto body shop and auto mechanic business operated out of the garage during the majority of this time period. (See **Exhibit E**).

9. On October 26, 2015, the Applicant purchased the Property. (See **Exhibit B**). At that time the auto body shop stopped operating out of the garage and Arlington Motor Mart remained as a tenant of the Applicant and continued to perform auto repair work at the Property until 2020.

10. Additionally, from October 2015 to end of 2022, the Applicant's prior property management company, Barrington Management Company and Brigs LLC, used a portion of the garage for its maintenance division for the storage of materials, use as a woodworking shop, and parking for commercial vehicles. The Applicant further rented the garage to Flagship Cleaning Services, later renamed Syntegra, a commercial cleaning company who also used the garage for storage of materials and supplies, storage of commercial cleaning vehicles and used the office in the garage for its main office for operations.

11. The Applicant has replaced the roof on the garage and performed some interior work to clean-up the garage storage area, office, and restrooms. In 2019, the Applicant painted the garage while doing renovation work to the residential structure on the Property. (See photos attached hereto as **Exhibit "G"**).

12. In or around late 2022 to the Spring of 2023, the Applicant continued to perform maintenance work to the Property and contacted the Director of the Recreational Commission concerning the creation a buffer area between the Property and the abutting Town Property. The Town currently rents its land to Arlington/Belmont Crew organization who uses the Town's property to store its recreational boats and equipment. In the Spring of 2023, the Recreational Commission approved work allowing the Applicant to remove certain pavement and install a landscape buffer consisting of stone gravel, and several hedges and trees on the boundary line separating and creating a buffer area between the properties. (See **Exhibit C** and copies of photos of the existing conditions at the site along with photos showing the interior of the garage attached hereto as **Exhibit "H"**).

13. From 2022 to December 2023 the garage was used by Buffington, LLC, a real estate management company for use as a maintenance facility, site of operations and parking of commercial vehicles and equipment. The Applicant is currently considering placing the Property on the market and is considering his options concerning the continued commercial operations for the garage.

14. Thus, from the garage's initial construction in 1963 to the present, the garage has been used for commercial operations for office use, storage of vehicles and equipment and light construction by the owner of the Property and by its tenants. The Applicant seeks permission to

continue such use and further seeks clarification that should the Property be sold that any subsequent owner would be able to use the garage in the same historical manner.

I. REQUEST FOR SPECIAL USE PERMIT AND FINDING THAT THE PRE-EXISTING NON-CONFORMING USE OF THE GARAGE FOR STORAGE OF COMMERCIAL VEHICLES AND EQUIPMENT AND LIGHT CONSTRUCTION WORK SHALL NOT BE SUBSTANTIALLY MORE DETRIMENTAL THAN THE EXISTING NON-CONFORMING USE TO THE NEIGHBORHOOD.

Relevant portions of Section 8.1.1(A) of the Bylaws provides as follows:

Except as provided in this Section, this Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on this Bylaw (December 14, 2017)... Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the Board of Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood.

It is the Applicant's position that the proposed continued use of the garage at the Property shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. Furthermore, the Applicant states that as provided in more detail below, its pending Application for Special Use Permit meets the criteria set forth in Section 3.3.3 of the Bylaw as follows:

1. The Requested Use is Essential or Desirable to the Public Convenience and Welfare:

Since its construction in 1963 the commercial use of the garage on the Property has been for the storage of commercial vehicles and equipment along with office use, auto body work and auto repair work. The Applicant's request to continue the use of the garage for the storage of commercial vehicles and equipment, office use, and light construction work is consistent with the historical use of the garage and is in fact less intrusive than when the garage was used as an auto body shop and auto repair shop. The use is consistent with other uses in the neighborhood as the abutting Town property is being used for the storage of recreational equipment for the Arlington/Belmont Crew organization who stores their vehicles, trailers, crew boats, and other equipment on the Town property.

As the Property is fully developed - there are no changes proposed to the garage structure, driveway, drainage, utilities or other infrastructure servicing the Property - and the requested use is consistent with what has historically been used at the Property, the requested commercial use of the garage will continue to fit seamlessly with the community and neighborhood.

2. The Requested Use Will Not Create Undue Traffic Congestion, or unduly Impair Pedestrian Safety:

The Applicant states that the proposed project will not involve any changes to the driveway or parking area on the Property. Additionally, there are no proposed changes to the traffic flow, access, parking and pedestrian circulation that has been in existence at the Property for over 61 years. The Applicant anticipates that in addition to 2 vehicles parking in the driveway for the residential use for the Property, that approximately 2 commercial vehicles for employees will use the driveway area for parking and that the remaining vehicles will be parked inside of the garage which has ample storage area.

Therefore, because there no changes proposed to the structure or facilities on the Property and due to the fact that the requested use is consistent with the historical uses of the garage, it is the Applicant's position that its requested use of the garage will not create any undue traffic congestion, or unduly impair pedestrian safety.

3. The Requested Use Will Not Overload Any Public Water, Drainage Or Sewer System, Or Any Other Municipal System To Such An Extent That The Requested Use in the Immediate Area Or Any Other Area Of The Town Will Be Unduly Subjected To Hazards Affecting Health, Safety Or The General Welfare:

As provided above, the garage was fully developed in 1963 and there are no changes being proposed to the drainage, utilities and other infrastructure servicing the Property as they are all more than adequate to accommodate the continue commercial use of the garage. Additionally, no hazardous materials will be stored on Property.

4. The Special Provisions For The Requested Use Under the Bylaw Are Fulfilled.

As provided above, the garage structure and commercial use of the garage was permitted by the ZBA in 1963. The commercial use of the garage is proposed to be that of storage of commercial vehicles and equipment, office use, and proposed light construction work to be performed inside of the garage. Pursuant to Section 8.1.1(A) of the Bylaw, the ZBA may granted the requested use if it finds that the use shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. As provide above, it is the Applicant's position that the ZBA has the necessary facts to make such a finding under the Bylaw.

5. The Requested Use Will Not Impair The Integrity Or Character Of the District Or Adjoining Districts, Nor be Detrimental To the Health or Welfare.

The Applicant directs the ZBA's attention to its statements provided for in Paragraph 1-4 above. Additionally, the Applicant states that the requested use is consistent with the historical commercial use made at the Property since 1963 and permission to continue such use will not impact the integrity or character of the R-2 district or adjoining districts nor be a detriment to the health or welfare of the community.

6. The Requested Use Will Not, By Its Addition To The Neighborhood, Cause An Excess Of the Use That Could Be Detrimental To The Character Of Said Neighborhood.

It is the Applicant's position that due to the fact that the requested use is consistent with the historical use of the garage and that the continuance of such commercial use of the garage for the storage of commercial vehicles and equipment, office use, and light construction work to be performed inside of the garage will not be detrimental to the character of the neighborhood.

III. CONCLUSION

For all of the above reasons, the Property has historically been used for both residential and commercial purposes. The continuance of the requested commercial use of the garage on the Property will fit seamlessly with the existing use at the Property and neighborhood as there will essentially be no change to the uses of the garage on the Property that have been continuously and consistently made since 1963.

Furthermore, as provided above and in the supporting materials submitted in support herewith, it is the Applicant's position that it has shown sufficient evidence to support a finding from the ZBA that the requested use of the garage on the property for the storage of commercial vehicles and equipment, office use, and light construction use will not be substantially more determinantal than the existing nonconforming use to the neighborhood and that its application complies with all applicable criteria set forth in Section 3.3 of the Bylaw to grant the special use permit requested by the Applicant.

Therefore, the Applicant respectfully request that the ZBA grant the Applicant's application for Special Use Permit.

September 12, 2024

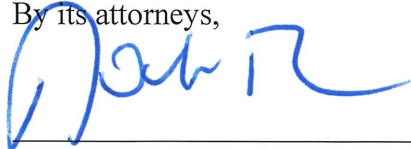
Page -7-

Thank you for your attention to this matter and should you have any questions or require any additional information concerning this Application, please do not hesitate to contact me directly.

Respectfully submitted,

POND LANE REALTY, LLC

By its attorneys,



Douglas A. Troyer
100 Summer Street, 22nd Floor
Boston, MA 02110
(671) 488-8236
dtroyer@pierceatwood.comcc:

cc: Client (via email only)

EXHIBIT “A”

[HOME](#)[SEARCH](#)[SUMMARY](#)[INTERIOR](#)[EXTERIOR](#)[ABOUT](#)[Printable Record Card](#) | [Previous Assessment](#) | [Condo Info](#) | [Sales](#) | [Zoning](#) | [Comments](#) |**WebPro**

Card 1 of 2

[Next Card](#)[Last Card](#)Location **20 POND LN**Property Account Number **8440**Parcel ID **010.0-0004-0005.A**Old Parcel ID **8440 --****Current Property Mailing Address**Owner **POND LANE REALTY LLC**Address **C/O NICHOLAS BOIT
32 HARBOUR DR N**City **OCEAN RIDGE**
State **FL**
Zip **33435**
Zoning **R2****Current Property Sales Information**Sale Date **10/26/2015**
Sale Price **1,000,000**Legal Reference **66280-526**
Grantor(Seller) **SIMONIAN EDWARD C,****Current Property Assessment**Year **2024**Land Area **0.211 acres****Card 1 Value**Building Value **663,700**
Xtra Features Value **0**
Land Value **515,000**
Total Value **1,178,700****Total Parcel Value**Building Value **824,300**
Xtra Features Value **4,600**
Land Value **515,000**
Total Value **1,343,900****Narrative Description**

This property contains **0.211 acres** of land mainly classified as **Res. / Comm.** with a(n) **Multi-Conver** style building, built about **1900**, having **Aluminum** exterior and **Asphalt Shgl** roof cover, with **3** unit(s), **13** total room(s), **5** total bedroom(s), **3** total bath(s), **0** total half bath(s), **0** total 3/4 bath(s).

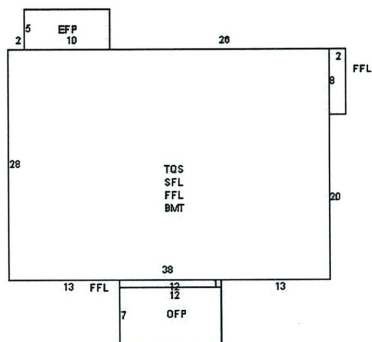
Legal Description**Property Images**

EXHIBIT “B”

Middlesex South Registry of Deeds
Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number : 181865
Document Type : DEED
Recorded Date : October 26, 2015
Recorded Time : 02:49:32 PM

Recorded Book and Page : 66280 / 526
Number of Pages(including cover sheet) : 3
Receipt Number : 1874080
Recording Fee (including excise) : \$4,685.00

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 10/26/2015 02:49 PM
Ctrl# 232809 19350 Doc# 00181865
Fee: \$4,560.00 Cons: \$1,000,000.00

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.cambridgedeeds.com

QUITCLAIM DEED

Edward C. Simonian, of Centerville, Barnstable County, Massachusetts for consideration paid and in full consideration of ONE MILLION AND 00/100 DOLLARS (\$1,000,000.00) grants to POND LANE REALTY, LLC a Massachusetts limited liability company, of 376 Massachusetts Avenue, Arlington, Massachusetts 02474

WITH QUITCLAIM COVENANTS

all right, title and interest in and to that certain parcel of land with the buildings and improvements thereon known as 20 Pond Lane, Arlington, Middlesex County, Massachusetts, being more particularly described as follows:

The land with the buildings and improvements thereon situate in Arlington, Middlesex County, Massachusetts, situate on Pond Lane and shown as Lot "B" on "Plan of Land in Arlington, Mass." dated August 25, 1939, M. Waters, C.E. recorded with Middlesex South District Deeds Book 6323, Page 475, bounded and described:

NORTHERLY: by Pond Lane, eighty-seven and 49/100 (87.49) feet;
EASTERLY: by land of owners unknown, one hundred thirty (130) feet;
SOUTHERLY: by Lot A on said plan, eighty (80) feet; and
WESTERLY: by Lot A on said plan, one hundred (100) feet, more or less.

Containing 9,200 square feet of land, more or less.

For title, see deed recorded with Middlesex County Southern District Registry of Deeds Book 41726 Page 393.

The subject premises is conveyed subject to tenants and occupants.

I, the undersigned Edward C. Simonian, do hereby revoke, rescind and terminate any and all homestead rights in the herein property and do under oath depose and say that there are no other individuals entitled to claim the benefit of any existing estate of homestead in and to the property.

20 Pond Lane Arlington

Executed as a sealed instrument this 26th day of October, 2015.

Edward C. Simonian
Edward C. Simonian

COMMONWEALTH OF MASSACHUSETTS

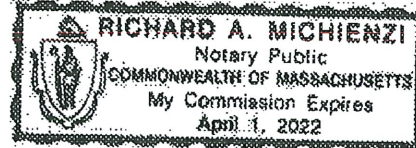
Walden, ss.

On this 26th day of October, 2015, before me, the undersigned notary public, personally appeared Edward C. Simonian, proved to me through satisfactory evidence of identification, which was Mass drivers license ~~known to me~~ to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.

[Signature]

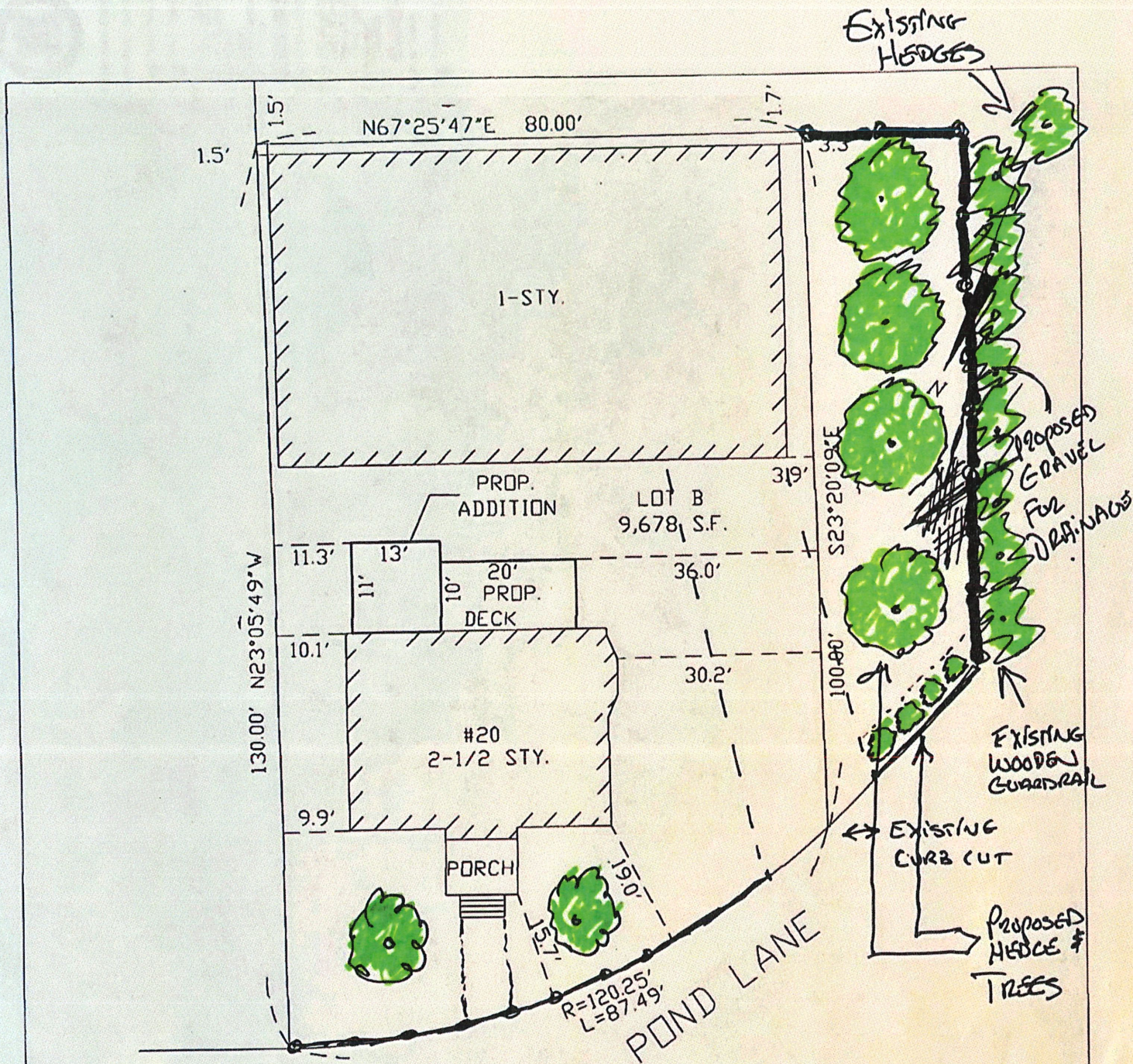
NOTARY PUBLIC

My Commission Expires: _____



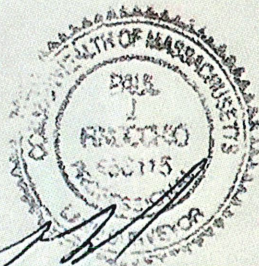
RealEstFrm/Simonian/20PondLane(Sale)/Quitclaim Deed.doc

EXHIBIT “C”



NOTE:

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED FROM AN ACTUAL ON THE GROUND INSTRUMENT SURVEY.



PAUL J. FINOCCHIO P.L.S. No.36115

DATE

PLOT PLAN OF LAND IN ARLINGTON, MA

PREPARED BY:
PJF & ASSOCIATES
4 HIGHLAND AVE WAKEFIELD, MA
PAUL J. FINOCCHIO-P.L.S.
(781)883-5473

SCALE: 1" = 20'

DEED REF.:

DATE: APRIL 25, 2017

FILE No.:6953

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EXHIBIT “D”

TOWN OF ARLINGTON

ZONING

BOARD OF APPEALS

APPEAL NO. 779

of Philip Simonian

Statement of Facts.

The Zoning Board of Appeals, hereinafter called the "Board" conducted a public hearing on the appeal of Philip Simonian of Arlington from the refusal, on March 19, 1963, of the Inspector of Buildings to issue a permit for the construction of a garage to house vehicles and equipment on his property located at 20 Pond Lane.

The action of the Inspector of Buildings was automatic since the proposed would be used to house commercial vehicles constituting a violation of Section 14 of the Zoning By-Law.

The appeal was filed in the office of the Inspector of Buildings on April 3, 1963. The hearing was held at the Town Hall on Tuesday evening, May 7, 1963 after due notice had been given by publication in the Arlington Advocate on April 11 and 18, 1963 and by mail, postage prepaid, to owners of real estate opposite to and abutting on the property in question, and to other parties in interest, whose names and addresses are recorded on a separate list which forms a part of the official record of these proceedings, and by posting the property.

The members of the Board present were:

Ralph F. Tuller, Chairman
Alfred C. Bridgens, Secretary
John J. Bilafer

The appellant was present at the hearing accompanied by his builder, Rugo Santini, Santini Sons, Inc., 116 Magnolia St., Arlington, Mass. Also present at the hearing were Valma Jenkins, 9 Pond Lane, Thomas F. McCarthy, 19 Pond Lane, Vincent Govoni, 21 Pond Lane, who were recorded in favor of granting the petition. Mr. & Mrs. Fred S. Karaganis, 21 Wyman Terrace did not favor the petition, but their objections were directed toward an unsightly condition existing in the rear of Arlington Pipe and Supply rather than with the garage proposed by appellant.

The property involved in this appeal is shown on Block Plan #10 as Lot B numbered 20 Pond Lane containing a dwelling house on 9200 sq. ft. of land.

Active businesses are presently being carried on in the immediate area. On a lot adjacent is a Storm Window Factory and to the rear of appellant's lot is located a plumbing supply house.

Appellant, the owner of State Coal & Oil Co. purchased the property in the Summer of 1961 and since that time has been using it for the storage of his vehicles and equipment.

The proposed garage would be a dwelling 14' high, 45' wide and 75' long of cinder block construction and would be located at the rear of the lot at a distance of 19' from the existing dwelling in accordance with the plan submitted by the appellant.

It is noted by the Board that the proposed location of the garage is in immediate proximity to other commercial buildings in the area. The contours of the proposed garage would be in keeping with this business atmosphere. It would seem that a garage to house appellant's vehicles and equipment would provide a much neater appearance to the property than is evident at present.

It is the opinion of the Board that the purpose for which the appellant wishes to use the proposed dwelling causes a hardship to appellant and that relief may be granted without detriment to the public good or to the intent of the Zoning By-Law.

It is the unanimous decision of the Board that the appeal shall be allowed and the Inspector of Buildings is authorized to issue the necessary permit for construction located substantially as shown on the plot plan submitted.

EXHIBIT “E”



Google



Arlington, Massachusetts

Street View - Aug 2011

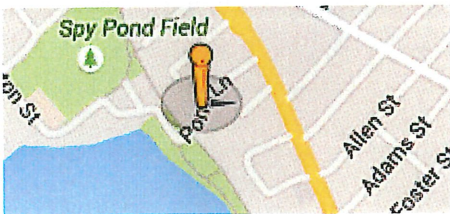


Image capture: Aug 2011 © 2015 Google





EXHIBIT “F”

TOWN OF ARLINGTON

ZONING

BOARD OF APPEALS

PETITION NO. 959

OF Philip Simonian

Statement of Facts.

The Zoning Board of Appeals, hereinafter called the "Board" conducted a public hearing on the petition of Philip Simonian of Arlington, seeking permission to rent the premises at 20 Pond Lane for business use.

The proposed use of the premises would be at variance with Section 14 of the Zoning By-Law.

The petition was filed in the office of the Inspector of Buildings on July 5, 1967. The hearing was held at the Town Hall on Tuesday evening, July 25, 1967 after due notice had been given by publication in the Arlington News on July 13, and 20, and by mail, postage prepaid, to owners of real estate opposite to and abutting on the property in question, and to other parties in interest, whose names and addresses are recorded on a separate list which forms a part of the official record of these proceedings, and by posting the property.

The members of the Board present were:

Ralph F. Tuller, Chairman
Alfred C. Bridgens, Secretary
John R. Kenny

The petitioner was present in person at the hearing.

The property involved in this petition is shown on Block Plan #10 as Lot 10, numbered 20 Pond Lane, located in a Residence B District.

The building here involved was constructed by Mr. Simonian pursuant to authority granted in 1963 by this Board in Case #779. It is a flat-roofed cinder block garage-type building 45' wide and 75' long. It was built to provide storage space for vehicles and equipment used in petitioner's fuel oil business.

The petitioner continues to use a relatively small portion of the building as business office space, but he no longer uses the rest of the building for the purpose for which it was built. Instead, he seeks approval of the rental of the premises to Harrington Equipment Co., which is a service business, formerly located at 17 Mill Street, involved with industrial truck batteries and battery charging devices.

The Harrington concern presently consists of the owner and two employees. There is a pickup truck which is the only vehicle owned by the business. The operation of the business does not involve any heavy work or noisy operations, ⁴³ of 73

Philip Simonian

#959

Page 2

nor is there any appreciable traffic to the premises by customers or suppliers. Harrington will construct an office space approximately 18 ' by 14' , and he will use the rest of the building, except for the offices retained by Mr. Simonian, for his active business and equipment storage purposes.

It seems clear that the Harrington business will be less actively at variance with the residential neighborhood in which it is located than was the storage of fuel oil trucks and equipment by Mr. Simonian.

It is the unanimous decision of the Board that the petition shall be allowed, authorizing the use of the premises for business purposes substantially similar to those now being conducted by Harrington Equipment Co.

EXHIBIT “G”

Pond Ln

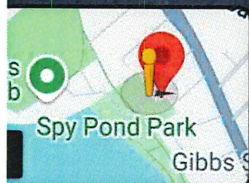


d Ln

n, Massachusetts

Google Street View

0 See more dates



Google

46 of 73

Google Maps

Arlington, Massachusetts
Google Street View
Nov 2020 [See more dates](#)



Image capture: Nov 2020 © 2024 Google

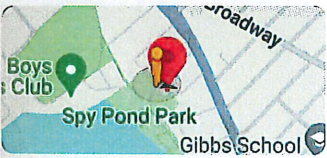
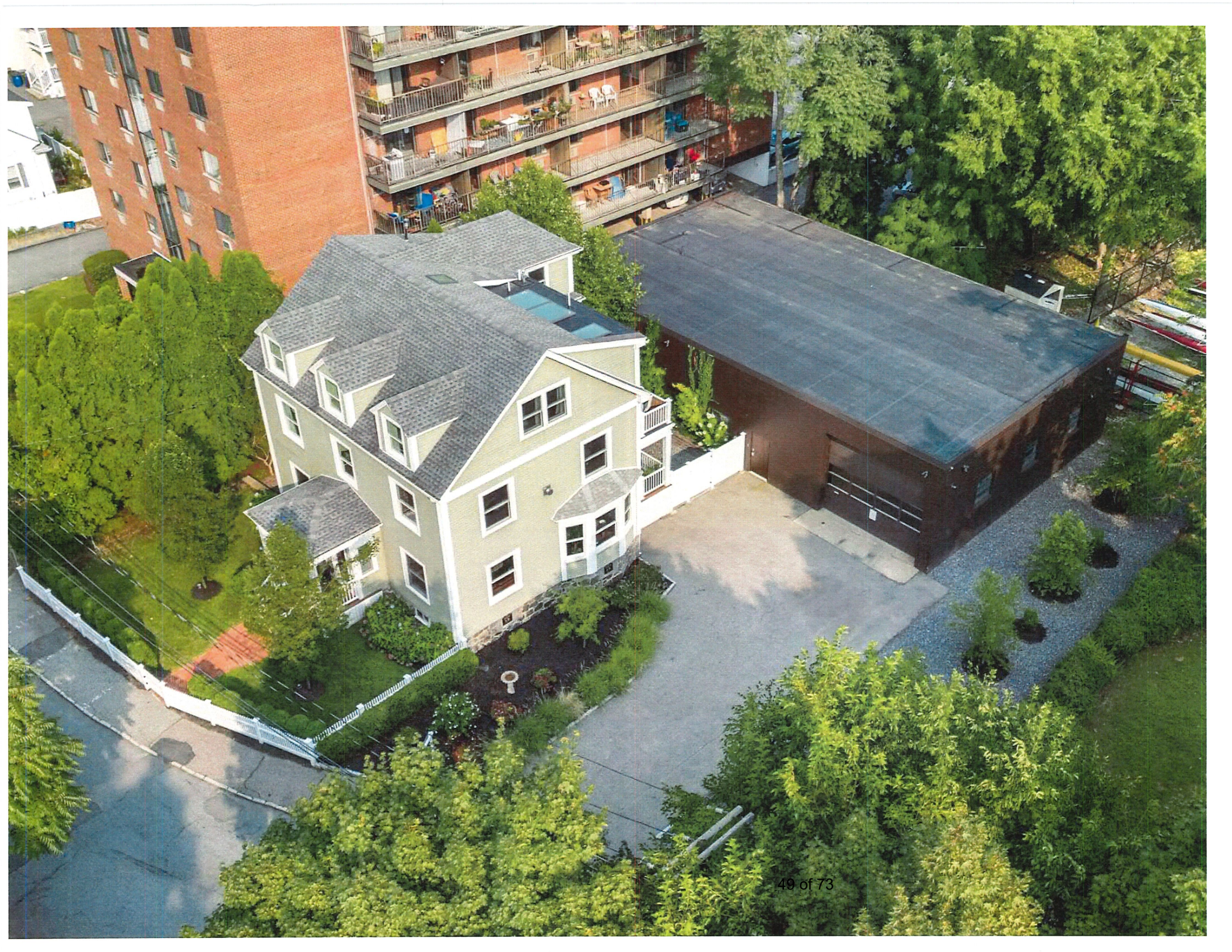


EXHIBIT “H”





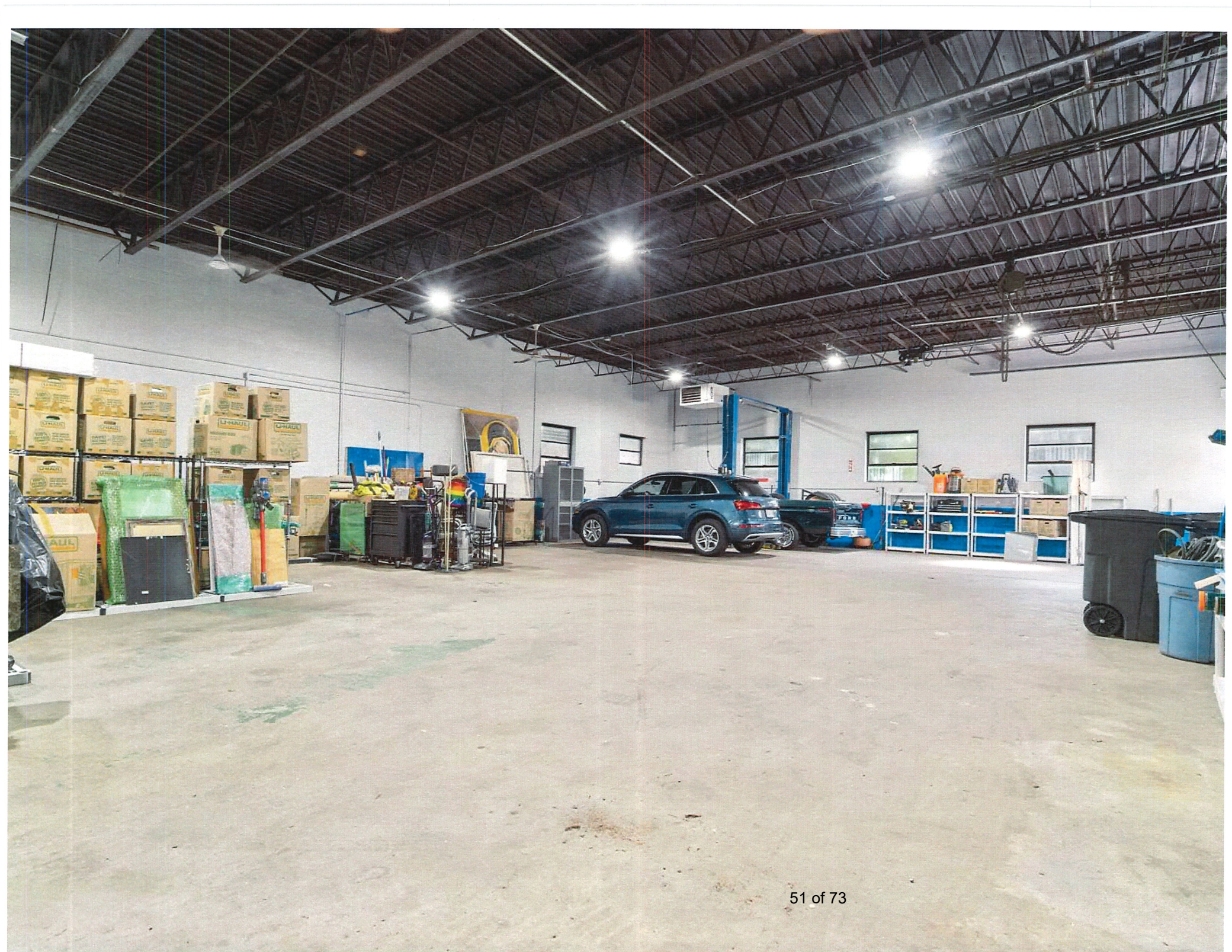
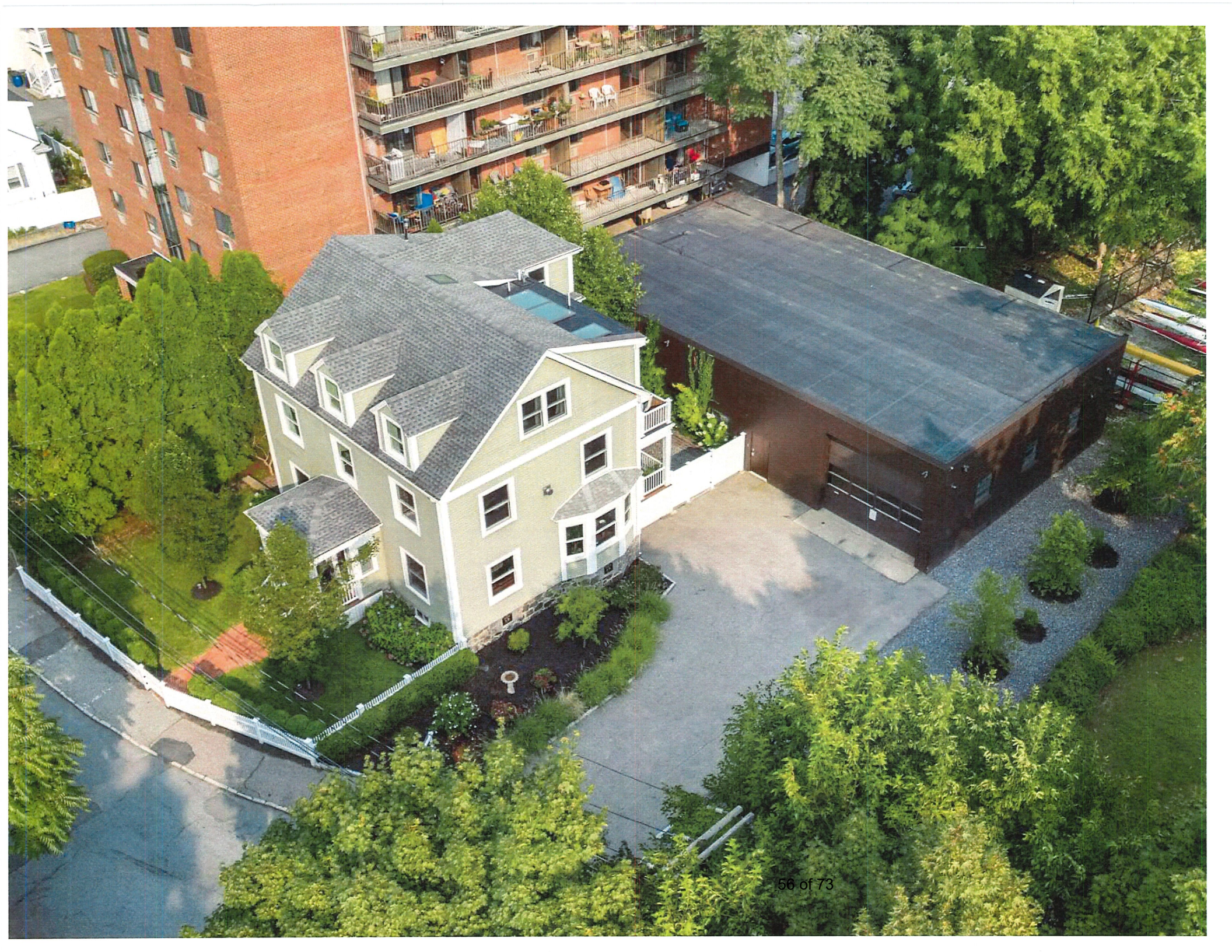




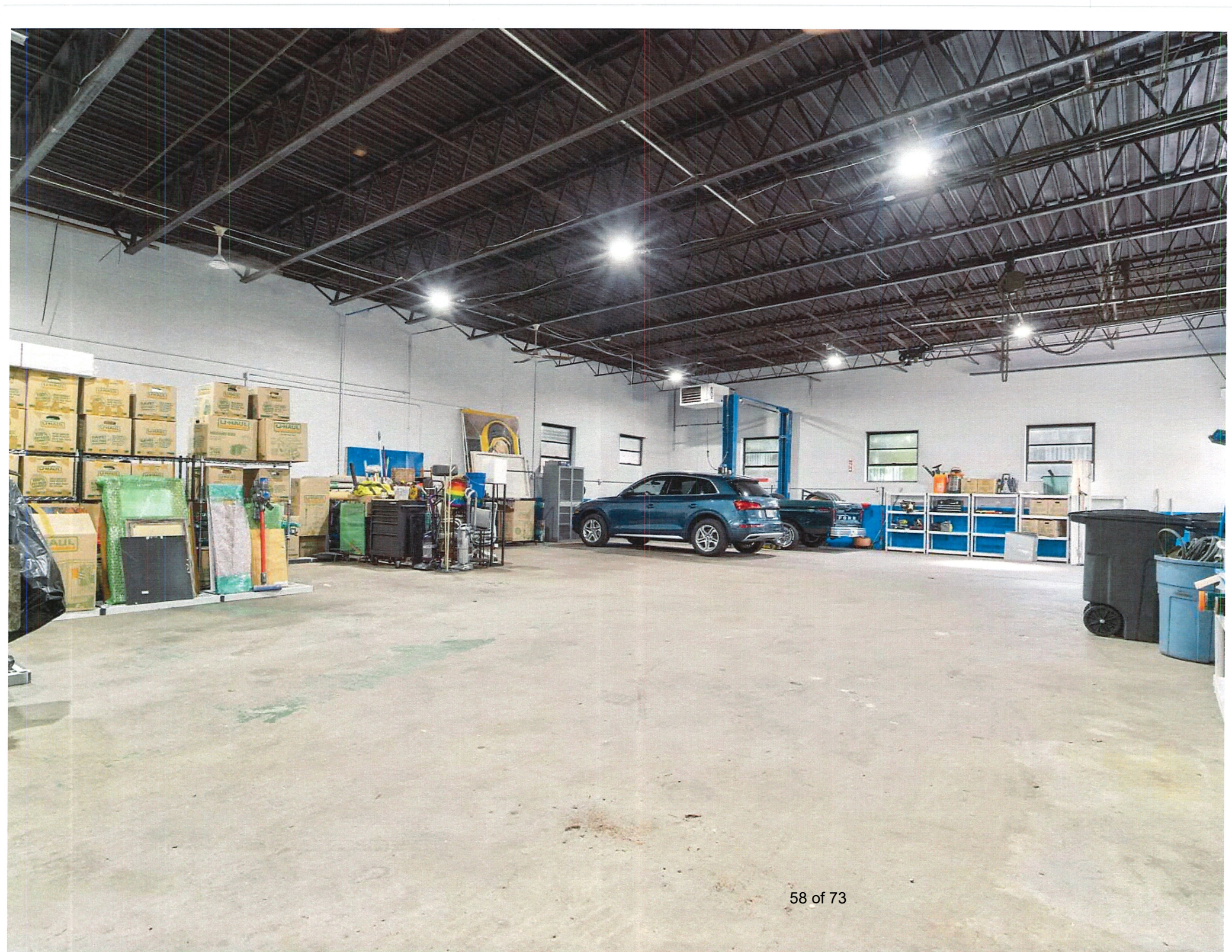




EXHIBIT “H”













**CERTIFIED ABUTTERS LIST****Date: September 24, 2024****Subject Property Location: 20 POND LN Arlington, MA****Subject Parcel ID: 10-4-5.A****Search Distance: 300 Feet**

Parcel ID	Property Location	Owner 1	Owner 2	Mail Address 1	Mail Address 2	City/Town	State	Zip
10.A-4-3	374 MASS AVE UNIT 2	BACHANOWSKI JOHN S &	KIEWRA KARIN A	374 MASS AVE	UNIT 2	ARLINGTON	MA	02474
10.A-4-4	374 MASS AVE UNIT 3	LUSTIG DAVID &	TAO XIANGLONG	374 MASS AVE	UNIT 3	ARLINGTON	MA	02474
10.A-4-5	374 MASS AVE UNIT 4	THOMPSON FRED & QUINBY		31 WOODBURY ST		SOUTH PORTLAND	ME	04106
9.A-2-1	19 WYMAN TERR UNIT 1	WISE WILLIAM	GUERRERO ABEL	19 WYMAN TERR	UNIT 1	ARLINGTON	MA	02474
9.A-2-2	19 WYMAN TERR UNIT 2	ALBERT MAURA H & BLAIR LINDA J	TRS/ MAURA H ALBERT REVOCABLE	19 WYMAN TERR	UNIT 2	ARLINGTON	MA	02474
10.A-3-9	9--11 POND LN UNIT 9	SITOMER MARION		9 POND LN		ARLINGTON	MA	02474
10.A-3-11	9--11 POND LN UNIT 11	CREEDON PAUL A	CLUNIE PAIGE A	11 POND LN		ARLINGTON	MA	02474
10.A-5-1	46--48 POND LN UNIT 1	MORRISON LAI-KUEN & DONALD M		46 POND LN	UNIT 1	ARLINGTON	MA	02474
10.A-5-2	46--48 POND LN UNIT 2	RUSSELL KAREN J/ TRUSTEE	KAREN RUSSELL 2023 TRUST	46 POND LN	UNIT 2	ARLINGTON	MA	02474
10.A-3-16.1	16 AVON PL UNIT 1	CAPODANNO JILL & AMIE &	BLOUIN LYN	16 AVON PL	#1	ARLINGTON	MA	02474
10.A-3-16.2	16 AVON PL UNIT 2	SANDSTEDT DANIEL M &	CAPODANNO AMIE	16 AVON PL	#1	ARLINGTON	MA	02474
10.A-2-11.1	11 AVON PL UNIT 1	SCHWINGEL LOUISE	SCHWINGEL RICHARD E	11 AVON PL	UNIT 1	ARLINGTON	MA	02474
10.A-2-11.2	11 AVON PL UNIT 2	EZEKOWITZ ANDREW	LIU LIQUN	11 AVON PL	UNIT 2	ARLINGTON	MA	02474
9-1-6	16 WYMAN TERR	BURNHAM JAMES NEAL ETAL/ TRS	JAMES NEAL BURNHAM & SUSAN	16 WYMAN TERR		ARLINGTON	MA	02474
9-1-7	12--14 WYMAN TERR	14 WYMAN TERRACE LLC		98 RICHFIELD RD		ARLINGTON	MA	02474
9-2-2.A	0-LOT POND LN	TOWN OF ARLINGTON PARK DEPT		730 MASS AVE		ARLINGTON	MA	02476
9-2-4	360 MASS AVE	MULHERN ROBERT & TINA		360 MASS AVE		ARLINGTON	MA	02474
9-2-5	358 MASS AVE	PEEL RE LLC		358 MASS AVE		ARLINGTON	MA	02474
9-2-6	3 WYMAN TERR	NYBERG JONATHAN	DOLAN DAVID/SARA Q	P.O. BOX 292		ARLINGTON	MA	02476
9-2-7	9 WYMAN TERR	BOEHM BERNARD L/TRUSTEE	BERNARD BOEHM TRUST	9 WYMAN TERR		ARLINGTON	MA	02474
9-2-8	11--13 WYMAN TERR	SHEEHAN JOANNE M/ TRUSTEE	J.M.S. WYMAN TERRACE TR-2022	25 MORNINGSIDE DR		ARLINGTON	MA	02474
9-2-9	15--17 WYMAN TERR	SARGENT ENRAKU &	SAU ANNA	242 WESTON RD		WELLESLEY	MA	02482
9.A-2-3	19 WYMAN TERR UNIT 3	MACLEOD AMY & GLEN A ETAL/ TRS	AMY MACLEOD REVOCABLE TRUST OF	19 WYMAN TERR	UNIT 3	ARLINGTON	MA	02474
9-2-11	21 WYMAN TERR	SPY POND LLC		21 WYMAN TER		ARLINGTON	MA	02474
9-2-12	25--27 WYMAN TERR	CHASSE MARY		25 WYMAN TERR		ARLINGTON	MA	02474
9-3-1	0-LOT POND LN	TOWN OF ARLINGTON PARK		730 MASS AVE		ARLINGTON	MA	02476
9.A-2-10	12 POND LN UNIT 10	LI HUIMING	ZENG YUANCHUN	17 JUSTIN ST		LEXINGTON	MA	02420
9.A-2-12	12 POND LN UNIT 12	KE YUE	MENG YUXI	11 OCTOBER LN		WESTON	MA	02493
9.A-2-20	12 POND LN UNIT 20	WONG CHING-WAH		5 CONCORD AVE	UNIT 52	CAMBRIDGE	MA	02138
9.A-2-21	12 POND LN UNIT 21	LIMANI FATON	URUCI-LIMANI GERTA	34 ROCKLAND AVE		ARLINGTON	MA	02474
9.A-2-22	12 POND LN UNIT 22	BUCK JAMES W		12 POND LN	UNIT 22	ARLINGTON	MA	02474
9.A-2-23	12 POND LN UNIT 23	SPITZKOFF CRAIG		31 BROKEN TREE RD		NEWTON	MA	02459
9.A-2-24	12 POND LN UNIT 24	ZENG FENG	JIANG BOLAN	12722 KINSLEY CT		SAN DIEGO	CA	92129
9.A-2-25	12 POND LN UNIT 25	LOADWICK GEORGE J		12 POND LN	UNIT 25	ARLINGTON	MA	02474
9.A-2-26	12 POND LN UNIT 26	WEN CHIN KUEI/TR	WEN SHIAO MOON LEE/TR	294 GLEN RD		WESTON	MA	02493
9.A-2-27	12 POND LN UNIT 27	HANSON WILLIAM J & LORRAINE P/ TRS	KIRSTEN L HANSON TRUST	8 SANDY RIDGE RD		STERLING	MA	01564

**CERTIFIED ABUTTERS LIST****Date: September 24, 2024****Subject Property Location: 20 POND LN Arlington, MA****Subject Parcel ID: 10-4-5.A****Search Distance: 300 Feet**

Parcel ID	Property Location	Owner 1	Owner 2	Mail Address 1	Mail Address 2	City/Town	State	Zip
9.A-2-30	12 POND LN UNIT 30	ARLINGTON REAL ESTATE TRUST		C/O CHING-WAH WONG	5 CONCORD AVE #52	CAMBRIDGE	MA	02138
9.A-2-31	12 POND LN UNIT 31	ROSSIEN ANITA W/TRUSTEE	AR12 POND LAND REALTY TRUST	12 POND LN	#31	ARLINGTON	MA	02474
9.A-2-32	12 POND LN UNIT 32	KUNSMAN CHARLES		12 POND LN	UNIT 32	ARLINGTON	MA	02474
9.A-2-33	12 POND LN UNIT 33	MERRILL DONALD A/TRUSTEE	LUCAS ANNE MARIE/TR	12 POND LN	UNIT 33	ARLINGTON	MA	02474
9.A-2-34	12 POND LN UNIT 34	SAWANT MIHIR PREMSING		12 POND LN	UNIT 34	ARLINGTON	MA	02474
9.A-2-35	12 POND LN UNIT 35	GORKA CAROLYN		12 POND LN	UNIT 35	ARLINGTON	MA	02474
9.A-2-36	12 POND LN UNIT 36	JOHNSON DAVID H/ TRUSTEE	DAVID H JOHNSON TRUST	25 THORNTON WAY	APT 305	BRUNSWICK	ME	04011
9.A-2-37	12 POND LN UNIT 37	YANNAKEAS ELIAS/TRUSTEE	YANNAKEAS REALTY NOMINEE TRUST	119 YDRAS ST	KALAMATA	MESSINIAS GREECE		24100
9.A-2-40	12 POND LN UNIT 40	LI RUI		70 ALBERT AVE		BELMONT	MA	02478
9.A-2-41	12 POND LN UNIT 41	BORGERS CHRISTOPH	WONG AMY O	12 CHERRY ST		LEXINGTON	MA	02421
9.A-2-42	12 POND LN UNIT 42	SANTIAGO CARRIE		12 POND LN	APT 42	ARLINGTON	MA	02474
9.A-2-43	12 POND LN UNIT 43	DRUM LLC		190 CUTLERS FARM RD		MONROE	CT	06468
9.A-2-44	12 POND LN UNIT 44	PARUCHURU RAJANY		16 PLEASANT ST		NEEDHAM	MA	02492
9.A-2-45	12 POND LN UNIT 45	BOND EDITH G		12 POND LN	UNIT 45	ARLINGTON	MA	02474
9.A-2-46	12 POND LN UNIT 46	PATEL PRAFUL V		135 MYSTIC ST		ARLINGTON	MA	02474
9.A-2-47	12 POND LN UNIT 47	FAITH EDWARD P		12 POND LN	UNIT 47	ARLINGTON	MA	02474
9.A-2-50	12 POND LN UNIT 50	BREITENBACH MARIE		12 POND LN	#50	ARLINGTON	MA	02474
9.A-2-51	12 POND LN UNIT 51	LIN CHUAN	CAO HUAIGU	10 PEARL ST		LEXINGTON	MA	02420
9.A-2-52	12 POND LN UNIT 52	DIBELLO PAUL	COLONESE DAWN	12 POND LN	UNIT 52	ARLINGTON	MA	02474
9.A-2-53	12 POND LN UNIT 53	KIM MIN		12 POND LN	UNIT 53	ARLINGTON	MA	02474
9.A-2-54	12 POND LN UNIT 54	BEST AMY JOAN TORRES &	GARCIA JIMMY ANTONIOTORRES	12 POND LN	#56	ARLINGTON	MA	02476
9.A-2-55	12 POND LN UNIT 55	WONG WAH CHING EDITH		5 CONCORD AVE	#52	CAMBRIDGE	MA	02138
9.A-2-56	12 POND LN UNIT 56	BEST AMY JOAN TORRES &	GARCIA JIMMY ANTONIO TORRES	12 POND LN	#56	ARLINGTON	MA	02476
9.A-2-57	12 POND LN UNIT 57	LIU GUIZHONG & XIAOSHA		12 POND LN	UNIT 57	ARLINGTON	MA	02474
9.A-2-60	12 POND LN UNIT 60	HACHEY JEAN N		12 POND LN	#60	ARLINGTON	MA	02474
9.A-2-61	12 POND LN UNIT 61	CHARINOS MARIA		71 ATTHIDON STR	KALLITHEA ATHENS	GREECE		17672
9.A-2-62	12 POND LN UNIT 62	DE MONTIGNY WILLIAM		12 POND LN	UNIT 62	ARLINGTON	MA	02474
9.A-2-63	12 POND LN UNIT 63	BAE STELLA	KIM WONTAK	111 ROBBINS RD		WATERTOWN	MA	02472
9.A-2-64	12 POND LN UNIT 64	FERGUSON HOWARD		12 POND LN	UNIT 64	ARLINGTON	MA	02474
9.A-2-65	12 POND LN UNIT 65	DAVIDOW RACHEL B		12 POND LN	UNIT 65	ARLINGTON	MA	02474
9.A-2-66	12 POND LN UNIT 66	HESTIA PROPERTIES LLC		21 AVON PL		ARLINGTON	MA	02474
9.A-2-67	12 POND LN UNIT 67	KILICK MAORI M--ETAL	KILICK KATHLEEN A	12 POND LN	#67	ARLINGTON	MA	02474
9.B-1-101	366 MASS AVE UNIT 101	MASS-ARLINGTON REALTY INC		59 UNION SQ		SOMERVILLE	MA	02143
9.B-1-102	366 MASS AVE UNIT 102	EYE ASSOCIATES REALTY		172 CAMDEN ST		BURLINGTON	MA	01803
9.B-1-103	366 MASS AVE UNIT 103	MASS ARLINGTON REALTY INC	C/O FRANCIS PRIVITERA	59 UNION SQ		SOMERVILLE	MA	02143

**CERTIFIED ABUTTERS LIST****Date: September 24, 2024****Subject Property Location: 20 POND LN Arlington, MA****Subject Parcel ID: 10-4-5.A****Search Distance: 300 Feet**

Parcel ID	Property Location	Owner 1	Owner 2	Mail Address 1	Mail Address 2	City/Town	State	Zip
9.B-1-201	366 MASS AVE UNIT 201	MASS ARLINGTON REALTY INC	C/O FRANCIS PRIVITERA	59 UNION SQ		SOMERVILLE	MA	02143
9.B-1-202	366 MASS AVE UNIT 202	MASS ARLINGTON REALTY INC		59 UNION SQ		SOMERVILLE	MA	02143
9.B-1-203	366 MASS AVE UNIT 203	MASS ARLINGTON REALTY INC	C/O FRANCIS PRIVITERA	59 UNION SQ		SOMERVILLE	MA	02143
9.B-1-204	366 MASS AVE UNIT 204	MASS ARLINGTON REALTY INC	C/O FRANCIS PRIVITERA	59 UNION SQ		SOMERVILLE	MA	02143
9.B-1-301	366 MASS AVE UNIT 301	MASS-ARLINGTON REALTY INC		59 UNION SQ		SOMERVILLE	MA	02143
9.B-1-302	366 MASS AVE UNIT 302	MASS ARLINGTON REALTY INC	C/O FRANCIS PRIVITERA	59 UNION SQ		SOMERVILLE	MA	02143
9.B-1-303	366 MASS AVE UNIT 303	MASS-ARLINGTON REALTY INC		59 UNION SQ		SOMERVILLE	MA	02143
9.B-1-304	366 MASS AVE UNIT 304	MASS ARLINGTON REALTY INC	C/O FRANCIS PRIVITERA	59 UNION SQ		SOMERVILLE	MA	02143
10-2-5	15 AVON PL	BURKE PAUL M & JENNIFER ROSE		659 MASS AVE		ARLINGTON	MA	02474
10-2-6	19 AVON PL	LOGAN MICHAEL J/ ELISABETH	TRS/LOGAN REAL ESTATE TRUST	19 AVON PL		ARLINGTON	MA	02474
10-2-7	25 AVON PL	SMITH SCOTT J/HEATHER A		25 AVON PL		ARLINGTON	MA	02474
10-2-8	29 AVON PL	AVONSTEAD LLC		3 DICKSON ST		SOMERVILLE	MA	02144
10-3-1	390 MASS AVE	KOZELIAN JOHN & SILVA N/ TRS	KOZELIAN REVOCABLE TRUST	8 CHESWICK RD		ARLINGTON	MA	02474
10-3-2	382--384 MASS AVE	CEDAR CREST ARLINGTON LLC		382 MASS AVE		ARLINGTON	MA	02474
10-3-4	7 POND LN	ROZZI PANFILO E		87 CLARK ST		BELMONT	MA	02478
10-3-6	15 POND LN	SIMADER MICHAEL & MELISSA		15 POND LN		ARLINGTON	MA	02474
10-3-7	19 POND LN	SULLIVAN JAMES	SULLIVAN CHRISTINE	19 POND LN		ARLINGTON	MA	02474
10-3-8	21 POND LN	TOWN OF ARLINGTON		730 MASS AVE		ARLINGTON	MA	02476
10-3-9	22--24 AVON PL	SAYIGH SOPHIA E/ TRUSTEE	SOPHIA E SAYIGH TRUST	24 AVON PL		ARLINGTON	MA	02474
10-3-11	12--14 AVON PL	HARDING LORI/GARY S		PO BOX 1111		WESTFORD	MA	01886
10-3-12	8--10 AVON PL	GNEWUCH CHRISTINA & SCOT C		10 AVON PL		ARLINGTON	MA	02474
10-4-1.A	378 MASS AVE	CONNELY CONTRACTING INC		378 MASS AVE		ARLINGTON	MA	02474
10-4-1.B	10 POND LN	KEEFE KATHERINE G & ROBERT		10 POND LN		ARLINGTON	MA	02474
10.A-4-2	374 MASS AVE UNIT 1	MANTY WILLIAM/TRACY YUEN		374 MASS AVE	UNIT 1	ARLINGTON	MA	02474
10-4-3	370 MASS AVE	ARLINGTON POST NO 39	THE AMERICAN LEGION INC	370 MASS AVE		ARLINGTON	MA	02474
10-4-5.A	20 POND LN	POND LANE REALTY LLC		C/O NICHOLAS BOIT	32 HARBOUR DR N	OCEAN RIDGE	FL	33435
10-5-4	1 POND TERR	REYNOLDS STEPHEN/ETAL	WANAMAKER LISA M	1 POND TERR		ARLINGTON	MA	02474

The Board of Assessors certifies the names and addresses of requested parties in interest, all abutters to subject parcel within 300 Feet



Town of Arlington
Office of The Board of Assessors
730 Massachusetts Ave
Arlington, MA 02476
phone: 781.316.3050
email: assessors@town.arlington.ma.us



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Outlook

Comments on docket #3822 – 20 Pond Lane

From Paul Creedon <pacreedon@gmail.com>

Date Sun 10/20/2024 6:30 PM

To ZBA <ZBA@town.arlington.ma.us>; Paige Clunie <paclunie@gmail.com>



 3 attachments (10 MB)

IMG 5400.HEIC; IMG 5399.HEIC; IMG 5401.HEIC;

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Dear Arlington Zoning Board of Appeals Members,

We write to express our strong opposition to docket #3822 – 20 Pond Lane, appearing before the board on October 22, 2024. We reside at 9-11 Pond Lane, unit 11 with our two young children. We have lived at this residence since September 2019.

Pedestrian Safety & Impact on Traffic

We are concerned that commercial activity at 20 Pond Lane will make our neighborhood less safe by increasing traffic and blocking pedestrian access to Spy Pond, the Minuteman bike path, the Boys and Girls Club, and Spy Pond Field. The stretch of Pond Lane that runs from Massachusetts Ave to Spy Pond has no legal street parking. However, private and commercial vehicles often park on the sidewalk, blocking pedestrian access.

When we first moved to the neighborhood, a commercial cleaning company operated from the garage at 20 Pond Lane. Each morning, several vans would idle in the driveway and on the sidewalk as they loaded supplies. The impact on pedestrians was minor at 6 AM, but we were forced to walk on the road as we walked our dog. The concern is that a future commercial business would introduce similar sidewalk obstructions later in the day, forcing pedestrians onto the busy road.

Unfortunately, Arlington's Parking Enforcement Officers are not empowered to regulate parking on residential streets. As residents, our only recourse is to contact the Arlington Police non-emergency number. Consequently, traffic regulations are not enforced in residential areas. Out of convenience, delivery drivers, landscapers, and other commercial operators may park on the sidewalk and in front of "no parking" signs without consequence.

To this point, at approximately 8 AM on Tuesday, October 15, 2024, three large moving trucks arrived on Pond Lane to move items out of the residential units at 20 Pond Lane. The trucks blocked traffic as they attempted to navigate the narrow road. Ultimately, the trucks parked along the street, blocking the sidewalk as students made their way to school. As you can see from the attached pictures, the sidewalk was fully blocked. Cyclists were forced into oncoming traffic. These traffic violations were caused by the

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moving company, not the petitioner. However, this demonstrates the impact that increased commercial activity will have on our neighborhood.

Approving this application will lead to increased commercial traffic and make our neighborhood less safe for pedestrians, cyclists, and drivers.

Impact of "Light" Commercial Activity

From our reading of the application, the petitioner intends to sell this property once they receive Zoning Board of Appeal approval to allow for "storage of commercial vehicles and equipment, office use, and proposed light construction work to be performed inside of the garage." We are concerned that the new owners may interpret this definition to fit their needs. This would have several negative impacts on the neighborhood:

1. Noise: As far as we are aware, "light construction" is not defined in the application or within Arlington's Zoning Bylaw. The new property owner could interpret this definition to include any number of construction activities. Could the garage be used for metal working, machine assembly, or commercial woodworking? These activities would negatively impact our neighborhood by introducing the constant sound of construction and pollution.
2. Environmental Impact: What would prevent a future owner from storing harmful chemicals onsite? What safeguards are in place to prevent harmful exhaust from entering our neighborhood?

As the residents living across the street from 20 Pond Lane, we—not the petitioner—are the ones who will have to live with the consequence of whatever future commercial ventures purchase the property. We strongly urge the Zoning Board of Appeal to reject this application.

Best regards,
Paul Creedon & Paige Clunie
11 Pond Lane









Outlook

Comments Against the Expansion of Commercial Use at 20 Pond Lane

From Simader, Michael <michael@simader.me>

Date Sun 10/20/2024 1:33 PM

To ZBA <ZBA@town.arlington.ma.us>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Members of the Zoning Board of Appeals,

I am writing to express my strong opposition to the expansion of commercial use at 20 Pond Lane. My name is Michael Simader and together with my wife Melissa Simader, I am the co-owner of the property directly across the street at 15 Pond Ln, Arlington, MA 02474.

Regarding the most recent application of the property owner at 20 Pond Lane I hereby submit my key concerns and express my opposition to the expansion of commercial use at this property.

Position Against the Expansion of Commercial Use at 20 Pond Lane

1. Scope of Special Permit:

- The original special permit issued in 1963 aimed to conceal commercial vehicles and equipment from view, maintaining a tidy appearance.
- Over the years, the use of the property went beyond the originally approved scope by the Zoning Board of Appeals (ZBA).
- Unauthorized uses include:
 - Operation as an auto body shop and mechanic business.
 - Storage of materials for a cleaning business.
 - The use as a woodworking shop.
- The undefined nature of "light construction work" raises concerns about future interpretations that could lead to further expanding the scope affecting nearby residents negatively.

2. Public Convenience and Welfare:

- The petitioner has not provided evidence that the expanded commercial operation will benefit the public. The original intent of the garage was primarily aesthetic—to hide commercial activities.
- The request to increase scope to include "light" construction lacks clear limits on both the nature of the work and hours of operation, presenting risks of noise, dust, smell, and other disturbances.
- The expansion appears to prioritize the petitioner's financial gain rather than community welfare, without offering any benefits. The expansion only has negative effects on the community with:
 - Increased traffic and resulting hazards
 - Dangerous conditions by maneuvering large commercial vehicles in an area with increased foot traffic.
 - Uncontrolled and unmitigated conditions for the storage, use, and processing of hazardous materials.

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- The petitioner is applying for an expanded scope of the special permit for a potential buyer of the property and not for their use. This expanded use is for the benefit of the petitioner, the seller of this property, and the petitioner alone, leaving only negative side effects to nearby residents.
- Given a history of violating the scope of the special use permit in this location, the future buyer cannot be trusted to limit their use of the property to the scope of the special permit.

3. Environmental and Infrastructure Concerns:

- The operation of an auto body and repair shop has already posed risks to the environment, particularly regarding spills that could contaminate storm drains leading to Spy Pond.
- Current regulations regarding water treatment, air filtration, and hazardous materials have evolved since 1963, necessitating a more stringent review of the potential impacts on public water sources.
- The petitioner highlights that there won't be any changes to the structure. There haven't been any upgrades to the structures aside from cosmetic improvements in the past.
- The structure's design and permitting were intended to store commercial equipment out of plain sight.
- The intention was NOT to operate machinery and handle potentially hazardous materials.
- Therefore the structure is inadequate for proposed uses. Outstanding concerns are, not limited to, air filtration systems, wastewater management, and safe working conditions for workers.

4. Impact on Neighborhood Character:

- The application contains inconsistencies, particularly in proposing uses not aligned with the garage's historical function or previously approved permits.
- The previously unauthorized use as an auto body and repair shop represents a violation of the original intent of the permit and sets a concerning precedent for future expansions.
- The applicant's intention to broaden the scope appears primarily motivated by personal financial interests rather than community benefits, which can only alter the character of the neighborhood negatively.

5. Traffic and Safety Implications:

- Existing traffic issues, exacerbated by nearby recreational facilities and a daycare, could worsen with additional commercial activities.
- The potential increase in commercial vehicle traffic poses risks to pedestrian safety, particularly given the current traffic conditions.
- 2 recent incidents are reason enough to reject this application:
 - A tourist bus collided with the pedestrian overpass. This is a clear indication that the street is neither designed nor laid out for commercial traffic.
 - Moving trucks were not able to maneuver into the driveway of the petitioner. As a result, the trucks were parked on the adjoining sidewalks, blocking pedestrians and traffic.
 - What will the future look like when additional commercial vehicles cannot maneuver in or out of the driveway?

6. Recommendations for ZBA Consideration:

- **Reject the petitioner's application for the expanded use. The existing special permit should not be further expanded by commercial uses within this residential neighborhood**

With kindest regards,

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Michael Simader

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Michael Simader

+1 312 918-7184

LI [in/simader](#)